

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

<b>UNITED STATES OF AMERICA</b>	§	
	§	
<b>v.</b>	§	<b>CRIMINAL NO. 4:24-CR-63-SDJ-AGD-1</b>
	§	
<b>JERROD ALEXANDER SMITH (1)</b>	§	
	§	

**REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the Government’s request for revocation of Defendant’s supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on August 14, 2024, to determine whether Defendant violated his supervised release. Defendant was represented by Federal Public Defender Sarah Jacobs. The Government was represented by Assistant United States Attorney Christopher Rapp.

On July 16, 2018, United States District Judge Sam A. Lindsay sentenced Defendant to a term of fifty-one (51) months imprisonment followed by two (2) years of supervised release. *See* Dkt. 6 at 1. On February 2, 2024, Defendant completed his term of imprisonment and began serving the term of supervision. *See id.*

On June 14, 2024, the U.S. Probation Officer filed the Petition for Warrant or Summons for Offender Under Supervision (the “Petition”) (Dkt. 6), alleging Defendant violated four conditions of supervised release. *See id.* at 1–2. The Petition asserts Defendant violated the following conditions of supervision: (1) Defendant must refrain from any unlawful use of a controlled substance; (2) Defendant must not commit another federal, state, or local crime; (3) Defendant must refrain from any unlawful use of a controlled substance; and (4) Defendant

must participate in a program of testing and treatment for substance abuse and follow the rules and regulations of that program until discharged. *See id.*

The Petition asserts Defendant violated the foregoing conditions as follows:

- (1) On February 5, 2024, Defendant reported to the U.S. Probation Office to provide a urine specimen. The urine specimen tested positive for cocaine. He denied using any illegal substances, but the positive urine specimen was confirmed by the national lab.

On April 26, 2024, Defendant reported to McCary Counseling, Denton, Texas to provide a urine specimen. The urine specimen tested positive for cocaine. He denied using any illegal substances, but the positive urine specimen was confirmed by the national lab.

- (2)–(3) On May 16, 2024, Defendant reported to the U.S. Probation Office, as directed, to submit a urine specimen. However, upon attempting to produce the specimen, it was discovered he attempted to use a black lotion bottle filled with urine to falsify his urinalysis results. He provided a written and verbal admission of cocaine use and of attempting to falsify the urine specimen by using the urine in the black lotion bottle. By trying to use this object, he was intentionally refusing to provide a urine specimen of his own and therefore, refusing to participate in the testing for substance abuse. Falsification of a drug test is a violation of Texas Health and Safety Code § 481.133, a Class B Misdemeanor. No formal charges have been filed in this matter.
- (4) As part of the random drug testing program, Defendant failed to submit a urine specimen at McCary Counseling, Denton, TX on April 9, 2024. Additionally, as part of the substance abuse treatment program, he failed to attend his initial assessment on April 16, 2025.

On August 14, 2024, the Court conducted a final revocation hearing on the Petition. *See* Minute Entry for August 14, 2024. Defendant entered a plea of true to allegations one and four, consented to revocation of his supervised release, and waived his right to object to the proposed findings and recommendations of the undersigned. *See id.*; Dkt 15. The Government moved to withdraw allegations two and three, which the Court granted. *See* Minute Entry for August 14, 2024. The Court finds Defendant violated the terms of his supervised release, and thus, his supervised release should be revoked.

**RECOMMENDATION**

Pursuant to the Sentencing Reform Act of 1984, and having considered the arguments presented at the August 14, 2024 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twenty-one (21) months, with twelve (12) months of supervised release to follow under the previous conditions of supervised release. The Court further recommends Defendant be placed at FCI Texarkana in Texarkana, Texas, if appropriate.

**So ORDERED and SIGNED this 15th day of August, 2024.**

A handwritten signature in black ink, appearing to read 'K. Priest Johnson', written over a horizontal line.

KIMBERLY C. PRIEST JOHNSON  
UNITED STATES MAGISTRATE JUDGE